IN THE HIGH COURT OF JUDICATURE OF
ANDHRA PRADESH
AT HYDERABAD

THE HON'BLE MR. JUSTICE D.S.R.VARMA

AND

THE HON'BLE MR. JUSTICE P.SWAROOP REDDY

TAKEN UP WRIT PETITION NO. 20916 OF 2006

Dated: December 1, 2006

Between:

Mohammed Ali

Petitioner

AND

The Station House Officer,
Kamepally Police Station,
Khammam District and others

Respondents

THE HON'BLE MR. JUSTICE D.S.R.VARMA
AND
THE HON'BLE MR. JUSTICE P.SWAROOP REDDY

TAKEN UP WRIT PETITION NO.20916 OF 2006

ORAL ORDER: **(per the Hon'ble Sri Justice D.S.R.VARMA)**

Heard the learned Government Pleader for Home, representing the learned Advocate General, appearing for the respondents.

2. This writ petition is taken up on the basis of a fax message, dated 22.09.2006, addressed by one Mohd. Ali, S/o. Yakub Ali, Water Tanker Road, Dornakal Village, Warangal District, to the Hon'ble the Chief Justice, High Court of Andhra Pradesh, Hyderabad, complaining that his son by name Mr. Shaik Ali, was missing since 31.03.2006 and at the instance of one Ram Babu, police constable of Kamepally Police Station, Khammam District, police have registered a case in Crime No.34 of 2006 against the petitioner and his family members, for the offences punishable under Sections 365, 323, 346 r/w 34 I.P.C., alleging that the petitioner and his family members have forcibly taken away his daughter by name Radhika and that the police are frequently visiting the petitioner's house and harassing them to disclose the whereabouts of his son Shaik Ali and, therefore, prayed to trace the petitioner and to direct the respondents not to harass the petitioner and his family members.

3. Admittedly, the petitioner has sent the fax message on 22.09.2006. It appears that, on 18.10.2006, the petitioner gave a complaint to the police, Dornakal Police Station, complaining that the said Rambabu, Police Constable, was often visiting their house and harassing them to disclose the whereabouts of his son Shaik Ali and requested to take steps to trace his son.

4. It appears that, subsequently, on 08.11.2006, the petitioner had lodged a private complaint before the

Judicial Magistrate of First Class, Mahabubad, Khammam District, under Section 200 Cr.P.C., for the offences punishable under Sections 323, 448 and 506 I.P.C., against the said Ram Babu, Police Constable, the father of the missing girl, who is suspected to have went away along with the son of the petitioner, which was referred to the Police, Dornakal, on 12.11.2006, under Sec. 156 (3) Cr.P.C.

5. Pursuant to the notice, issued by this Court, the Sub-Inspector of Police, Kamepally Police Station, filed counter-affidavit stating, *inter alia*, that the missing boy Shaik Ali along with others kidnapped the daughter of one G.Ram Babu by name Ms. Radhika and on complaint a case in Crime No.34 of 2006 was registered for the offences punishable under Sections 365, 323, 346 r/w. 34 I.P.C. The allegation that the police, Kamepally Police Station, are harassing the petitioner and his family members to disclose the whereabouts of the son of the petitioner is denied. It is further stated that all possible steps are being taken to trace out the victim girl also. It is also stated that the investigation so for conducted disclosed that the daughter of said Rambabu fell in love with the son of the petitioner and willfully went away to marry him and it is not a case of kidnap. It is also averred that on complaint from the petitioner, a case in Crime No.103 of 2006 was also registered under the head *Man Missing*.

6. From the above events, it appears that the parents of the boy have taken all steps by way of giving complaint to the police and also lodging a complaint under Section 200 Cr.P.C., before the Judicial Magistrate of First Class, Mahabubad, Khammam District, which was

referred to Police under Section 156 (3) Cr.P.C., and the investigation is in progress. Therefore, we do not feel it appropriate to interfere with the investigation process. Further, the police had also registered a case in Crime No. 103 of 2006 at the instance of the petitioner for the alleged missing of his son, investigation of which is also under progress.

7. In view of these facts, we do not see any reason to proceed any further with the present writ petition and the same is liable to be closed.

8. Accordingly, the writ petition is closed, at the stage of admission. However, there shall be no order as to costs.

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JUSTICE D.S.R.VARMA

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JUSTICE P.SWAROOP REDDY

December 1, 2006
MAS/KRK